

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN MICHAEL GALLOWAY,
NICHOLAS DIAZ,
GLENN GUILLORY, and
THOMAS JOYCE,

Defendants.

Case No. CR 14-607 PJH

**ORDER AMENDING PRETRIAL
ORDER NO. 1 TO DISMISS MAIL
FRAUD COUNTS WITH PREJUDICE**

This matter came on for status hearing on September 28, 2016, following the order granting defendants' motion to dismiss the mail fraud counts and dismissing Counts Two through Nine of the indictment without prejudice. The government stated on the record that it would not appeal the order granting the motion to dismiss and would not seek re-indictment on the mail fraud counts. Given the government's decision not to seek re-indictment on those counts, the court finds that dismissal of the mail fraud counts with prejudice would serve the public interest and promote judicial efficiency by avoiding the uncertainty and potential waste of resources that could be caused by the possibility of a separate indictment and trial on the mail fraud counts, in light of the trial date and pretrial deadlines set in this case as to the four moving defendants. Accordingly, Pretrial Order No. 1 dismissing the mail fraud counts without prejudice is hereby amended to DISMISS COUNTS TWO, THREE, AND FIVE THROUGH NINE WITH PREJUDICE as to defendants Galloway, Diaz, Guillory and Joyce.

IT IS SO ORDERED.

Dated: September 29, 2016


PHYLLIS J. HAMILTON
United States District Judge